



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IN RE APPLICATION OF : Adams

AUG 19 2004

FOR : TIE DOWN COUPLING SYSTEM

OFFICE OF PETITIONS

SERIAL NO. : 09/815,946

FILED : 03/23/2001

ART UNIT : 3612

RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.81

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Applicant hereby requests reconsideration of the May 21, 2004 "Decision on Petition to Withdraw the Holding of Abandonment" in which applicant's previous Petition to Withdraw the Holding of Abandonment was *DISMISSED*.

Enclosed herewith are the following documents:

- (a) copy of the May 21, 2004 "Decision on Petition to Withdraw the Holding of Abandonment"
- (b) copy of the "Information for Withdrawal of Abandonment - PTO has No Evidence that Faxed Correspondence Received" document and all supporting documents as filed by the Applicant 08/14/2003
- (c) a Statement under 37 CFR § 1.8(b)(3) of Michelle E. Hujar

Certificate of Mailing - 37 C.F.R. § 1.8

I hereby certify that this correspondence (and all items indicated herein as being enclosed) is (are) being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 13, 2004
Date

Steven M. Haas
Steven M. Haas



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AUG 19 2004

OFFICE OF PETITIONS

Renewed Petition
Ser. No. 09/815,946
Page 2

In light of the documents enclosed herewith, the Office now has the following documents:

- (a) a copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and,
- (b) a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission.

Applicant filed a Petition for Withdrawal of Abandonment in August 2003, but the Office did not act on same until May of 2004. In the interim, in April 2004, the applicant began the process of changing patent counsel. Applicant's former counsel did not receive and/or did not forward to the applicant or applicant's new counsel the May 21, 2004 "Decision on Petition to Withdraw the Holding of Abandonment." The applicant's new counsel independently learned of the "Decision on Petition to Withdraw the Holding of Abandonment" via PAIR on or about August 4, 2004 and has acted diligently since then to prepare and file the enclosed "Renewed Petition to Withdraw the Holding of Abandonment Under 37 C.F.R. § 1.81."

Applicant respectfully requests that the holding of abandonment be withdrawn and that the application be reinstated on the basis of the enclosed documents, with the appropriate term adjustment, if any.

The undersigned attorney has filed a Power of Attorney concurrently herewith.

Respectfully submitted,

Steven M. Haas (Reg. No. 37,841)
Fay, Sharpe, Fagan, Minnich & McKee, LLP
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114
(216)861-5582



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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Adams
FOR : TIE DOWN COUPLING SYSTEM
SERIAL NO. : 09/815,946
FILED : 03/23/2001
ART UNIT : 3612

STATEMENT UNDER 37 C.F.R. §1.8(b)(3)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, **Michelle E. Hujar**, hereby state that on March 17, 2003 I transmitted a timely response to the 12/16/2002 Office Action issued in this application via facsimile no. (703)305-3597. My personal knowledge of the timely filing of a response to the 12/16/2002 Office Action is further evidenced by:

- (i) the enclosed facsimile transmission report; and,
- (ii) the enclosed copy of the original response to the 12/16/2002 Office Action that includes a Certificate of Facsimile Transmission dated March 17, 2003 bearing my name and signature.

Michelle E. Hujar
Michelle E. Hujar

Aug 13, 2004
Date

COPY

14
dx



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 21 2004

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
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OFFICE OF THE DIRECTOR
TC 3600

HAHN LOESER & PARKS, LLP
TWIN OAKS ESTATE
1225 W. MARKET STREET
AKRON, OH 44313

In re Application of
James Adams
Application No. 09/815,946
Filed: March 23, 2001
For: TIE DOWN COUPLING SYSTEM

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on August 18, 2003.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action dated December 16, 2002 and a Notice to that effect was mailed on July 21, 2003.

Petitioner states that a response was filed on March 17, 2003 by facsimile transmission. The copy of the response submitted with the petition includes a Certificate of Transmission dated March 17, 2003.

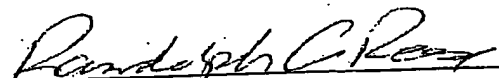
Any petition to withdraw the holding of abandonment based upon a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate.

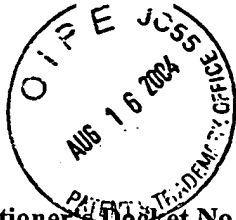
Further, the copy of the facsimile confirmation/transmittal page having the March 17, 2003 date cannot be relied upon as proof of timely filing the response. See section 512 of the MPEP.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



Randolph A. Reese
Special Programs Examiner
Patent Technology Center 3600
(703) 308-2121

RAR/cps: 5/19/04



Practitioner's Docket No. 6382-39

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James H. Adams

Application No.: 09/815,946

Group No.: 3612

Filed: March 23, 2001

Examiner: Gordon, S.

For: Tie Down Coupling System

COPY

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION FOR WITHDRAWAL OF ABANDONMENT--
PTO HAS NO EVIDENCE THAT FAXED CORRESPONDENCE RECEIVED

REQUEST

1. Applicant requests that the abandonment in this case be withdrawn.

PROMPTNESS OF THIS SUBMISSION

2. This information is being submitted promptly after applicant has learned of the abandonment on the basis of the Notice of Abandonment mailed by the PTO on July 21, 2003.

SUBMISSION

3. Submitted herewith is:

A copy of the complete response previously filed.

A copy of the fax transmission report showing pages sent.

4. Please proceed with further examination of this application on the basis of the attached copy of the papers originally filed.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

x deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office, (703) _____

Signature

Michelle E. Hujar

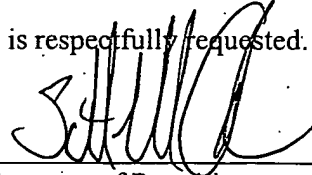
Date: August 12 2003

Michelle E. Hujar

(type or print name of person certifying)

REQUEST FOR WITHDRAWAL OF ABANDONMENT

6. Acknowledgment of the active status of this application is respectfully requested.



Signature of Practitioner

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Tel. No.: 330-864-5550
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